

U.S. District Court
Southern District of New York (Foley Square)
CIVIL DOCKET FOR CASE #: 1:18-cv-02095-SDA

The New York Times Company et al v. United States
 Department Of Justice
 Assigned to: Magistrate Judge Stewart D. Aaron
 Cause: 05:552 Freedom of Information Act

Date Filed: 03/08/2018
 Jury Demand: None
 Nature of Suit: 895 Freedom of
 Information Act
 Jurisdiction: U.S. Government Defendant

Plaintiff

The New York Times Company

represented by **John Langford**
 Protect Democracy
 555 W. 5th St.
 Los Angeles, CA 90013
 919-619-9819
 Fax: 929-777-8428
 Email: john.langford@protectdemocracy.org
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Charles Edward Crain
 Yale Law School
 P.O. Box 208215
 New Haven, CT 06520
 203-436-5824
 Email: charles.crain@ylsclinics.org
ATTORNEY TO BE NOTICED

David A. Schulz
 Ballard Spahr LLP (NYC)
 1675 Broadway, 19th Floor
 New York, NY 10019
 (212) 850-6103
 Fax: (212) 223-1942
 Email: schulzd@ballardspahr.com
ATTORNEY TO BE NOTICED

Plaintiff

Kenneth P. Vogel

represented by **John Langford**
 (See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Charles Edward Crain
 (See above for address)
ATTORNEY TO BE NOTICED

David A. Schulz
 (See above for address)
ATTORNEY TO BE NOTICED

V.

Defendant

United States Department of Justice

represented by **Peter Max Aronoff**
 United States Attorney's Office for the
 SDNY
 86 Chambers Street
 New York, NY 10007

212-637-2697
 Fax: 212-637-2686
 Email: peter.aronoff@usdoj.gov
 LEAD ATTORNEY
 ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
03/08/2018	<u>1</u>	FILING ERROR – DEFICIENT PLEADING – FILED AGAINST PARTY ERROR – COMPLAINT against U.S. Department Of Justice. (Filing Fee \$ 400.00, Receipt Number 0208-14785493) Document filed by The New York Times Company, Kenneth P. Vogel. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Exhibit D, # <u>5</u> Exhibit E, # <u>6</u> Exhibit F, # <u>7</u> Exhibit G)(Schulz, David) Modified on 3/9/2018 (jgo). (Entered: 03/08/2018)
03/08/2018	<u>2</u>	CIVIL COVER SHEET filed. (Schulz, David) (Entered: 03/08/2018)
03/08/2018	<u>3</u>	RULE 7.1 CORPORATE DISCLOSURE STATEMENT. No Corporate Parent. Document filed by The New York Times Company, Kenneth P. Vogel.(Schulz, David) (Entered: 03/08/2018)
03/08/2018	<u>4</u>	REQUEST FOR ISSUANCE OF SUMMONS as to United States Department of Justice, re: <u>1</u> Complaint,. Document filed by The New York Times Company, Kenneth P. Vogel. (Schulz, David) (Entered: 03/08/2018)
03/09/2018		***NOTICE TO ATTORNEY REGARDING CIVIL CASE OPENING STATISTICAL ERROR CORRECTION: Notice to attorney David A. Schulz. The following case opening statistical information was erroneously selected/entered: Jurisdiction code 3 (Federal Question);. The following correction(s) have been made to your case entry: the Jurisdiction code has been modified to 2 (U.S. Government Defendant);. (jgo) (Entered: 03/09/2018)
03/09/2018		***NOTICE TO ATTORNEY REGARDING PARTY MODIFICATION. Notice to attorney David A. Schulz. The party information for the following party/parties has been modified: United States Department of Justice. The information for the party/parties has been modified for the following reason/reasons: party name is entered incorrectly. (jgo) (Entered: 03/09/2018)
03/09/2018		***NOTICE TO ATTORNEY REGARDING DEFICIENT PLEADING. Notice to Attorney David A. Schulz to RE-FILE Document No. <u>1</u> Complaint,. The filing is deficient for the following reason(s): due to party modification, the wrong party whom the pleading is against was selected;; Re-file the pleading using the event type Complaint found under the event list Complaints and Other Initiating Documents – attach the correct signed PDF – select the individually named filer/filers – select the individually named party/parties the pleading is against. (jgo) (Entered: 03/09/2018)
03/09/2018		CASE OPENING INITIAL ASSIGNMENT NOTICE: The above-entitled action is assigned to Judge Lewis A. Kaplan. Please download and review the Individual Practices of the assigned District Judge, located at http://nysd.uscourts.gov/judges/District . Attorneys are responsible for providing courtesy copies to judges where their Individual Practices require such. Please download and review the ECF Rules and Instructions, located at http://nysd.uscourts.gov/ecf_filing.php . (jgo) (Entered: 03/09/2018)
03/09/2018		Magistrate Judge Robert W. Lehrburger is so designated. Pursuant to 28 U.S.C. Section 636(c) and Fed. R. Civ. P. 73(b)(1) parties are notified that they may consent to proceed before a United States Magistrate Judge. Parties who wish to consent may access the necessary form at the following link: http://nysd.uscourts.gov/forms.php . (jgo) (Entered: 03/09/2018)
03/09/2018		Case Designated ECF. (jgo) (Entered: 03/09/2018)
03/09/2018	<u>5</u>	COMPLAINT against United States Department of Justice. Document filed by The New York Times Company, Kenneth P. Vogel.(Schulz, David) (Entered: 03/09/2018)

03/09/2018	<u>6</u>	ELECTRONIC SUMMONS ISSUED as to United States Department of Justice. (jgo) (Entered: 03/09/2018)
03/15/2018	<u>7</u>	COMPLAINT against United States Department of Justice. Document filed by The New York Times Company, Kenneth P. Vogel. (Attachments: # <u>1</u> Exhibit A to Complaint, # <u>2</u> Exhibit B to Complaint, # <u>3</u> Exhibit C to Complaint, # <u>4</u> Exhibit D to Complaint, # <u>5</u> Exhibit E to Complaint, # <u>6</u> Exhibit F to Complaint, # <u>7</u> Exhibit G to Complaint)(Schulz, David) (Entered: 03/15/2018)
03/23/2018	<u>8</u>	ORDER REFERRING CASE TO MAGISTRATE JUDGE. Order that case be referred to the Clerk of Court for assignment to a Magistrate Judge for General Pretrial (includes scheduling, discovery, non-dispositive pretrial motions, and settlement) and Dispositive Motion (i.e., motion requiring a Report and Recommendation). All such motions. Referred to Magistrate Judge Robert W. Lehrburger. (Signed by Judge Lewis A. Kaplan on 3/22/2018) (anc) (Entered: 03/23/2018)
03/26/2018		NOTICE OF REDESIGNATION TO ANOTHER MAGISTRATE JUDGE. The above entitled action has been redesignated to Magistrate Judge Ona T. Wang. Please note that this is a reassignment of the designation only. (wb) (Entered: 03/26/2018)
03/26/2018		NOTICE OF REASSIGNMENT OF A REFERRAL TO ANOTHER MAGISTRATE JUDGE. The referral in the above entitled action has been reassigned to Magistrate Judge Ona T. Wang, for General Pretrial General Pretrial (includes scheduling, discovery, non-dispositive pretrial motions, and settlement) and Dispositive Motion (i.e., motion requiring a Report and Recommendation). All such motions. Magistrate Judge Robert W. Lehrburger no longer referred to the case. (wb) (Entered: 03/26/2018)
03/27/2018	<u>9</u>	NOTICE OF APPEARANCE by Peter Max Aronoff on behalf of United States Department of Justice. (Aronoff, Peter) (Entered: 03/27/2018)
03/27/2018	<u>10</u>	AFFIDAVIT OF SERVICE of Complaint, Exhibits, Civil Cover Sheet, and Rule 7.1 Corporate Disclosure Statement served on United States Attorney for the Southern District of New York and Attorney General of the United States on March 9, 2018. Service was made by Mail. Document filed by The New York Times Company, Kenneth P. Vogel. (Schulz, David) (Entered: 03/27/2018)
03/28/2018	<u>11</u>	INITIAL CASE MANAGEMENT CONFERENCE ORDER: Initial Conference set for 4/25/2018 at 10:30 AM in Courtroom 20D, 500 Pearl Street, New York, NY 10007 before Magistrate Judge Ona T. Wang, and as further set forth in this order. (Signed by Magistrate Judge Ona T. Wang on 3/28/2018) (ap) (Entered: 03/29/2018)
03/29/2018	<u>12</u>	SUMMONS RETURNED EXECUTED (FOIA CASE) Summons and Complaint, served. United States Department of Justice served on 3/16/2018, answer due 4/16/2018. Service was accepted by Desiree Brown. Document filed by The New York Times Company; Kenneth P. Vogel. (Schulz, David) (Entered: 03/29/2018)
03/30/2018		SCHEDULING ORDER: The Initial Conference scheduled for 4/25/2018 is hereby rescheduled and will take place on 4/27/2018 at 10:30 AM in Courtroom 20D, 500 Pearl Street, New York, NY 10007 before Magistrate Judge Ona T. Wang. (Signed by Magistrate Judge Ona T. Wang on 03/30/2018) (ss) (Entered: 03/30/2018)
04/03/2018	<u>13</u>	FIRST AMENDED COMPLAINT amending <u>7</u> Complaint, against United States Department of Justice.Document filed by The New York Times Company, Kenneth P. Vogel. Related document: <u>7</u> Complaint,. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Exhibit D, # <u>5</u> Exhibit E, # <u>6</u> Exhibit F, # <u>7</u> Exhibit G, # <u>8</u> Exhibit H)(Schulz, David) (Entered: 04/03/2018)
04/16/2018		NOTICE OF REDESIGNATION TO ANOTHER MAGISTRATE JUDGE. The above entitled action has been redesignated to Magistrate Judge Debra Freeman. Please note that this is a reassignment of the designation only. (wb) (Entered: 04/16/2018)
04/16/2018		NOTICE OF REASSIGNMENT OF A REFERRAL TO ANOTHER MAGISTRATE JUDGE. The referral in the above entitled action has been reassigned to Magistrate Judge Debra C. Freeman, for General Pretrial (includes scheduling, discovery, non-dispositive pretrial motions, and settlement). Magistrate Judge Ona T. Wang no longer referred to the case. (wb) (Entered: 04/16/2018)

04/16/2018		NOTICE OF REDESIGNATION TO ANOTHER MAGISTRATE JUDGE. The above entitled action has been redesignated to Magistrate Judge Stewart D. Aaron. Please note that this is a reassignment of the designation only. (wb) (Entered: 04/16/2018)
04/16/2018		NOTICE OF REASSIGNMENT OF A REFERRAL TO ANOTHER MAGISTRATE JUDGE. The referral in the above entitled action has been reassigned to Magistrate Judge Stewart D. Aaron, for General Pretrial (includes scheduling, discovery, non-dispositive pretrial motions, and settlement). Magistrate Judge Debra C. Freeman no longer referred to the case. (wb) (Entered: 04/16/2018)
04/16/2018	<u>14</u>	CONSENT LETTER MOTION for Extension of Time to File Answer re: <u>13</u> Amended Complaint, addressed to Magistrate Judge Stewart D. Aaron from Peter Aronoff dated 4/16/2018. Document filed by United States Department of Justice.(Aronoff, Peter) (Entered: 04/16/2018)
04/17/2018	<u>15</u>	ORDER granting <u>14</u> Letter Motion for Extension of Time to Answer re <u>14</u> CONSENT LETTER MOTION for Extension of Time to File Answer re: <u>13</u> Amended Complaint, addressed to Magistrate Judge Stewart D. Aaron from Peter Aronoff dated 4/16/2018. Request for extension of time to respond to the amended complaint until April 26, 2018 is GRANTED on consent. Initial Case Management conference to be held on April 26, 2018 at 10:00 a.m. in Courtroom 11C, 500 Pearl Street, New York, N.Y. Parties are to comply with provisions of Order dated 3/28/2018 (ECF No. 11) prior to conference. So Ordered. United States Department of Justice answer due 4/26/2018. (Signed by Magistrate Judge Stewart D. Aaron on 4/17/2018) (js) (Entered: 04/17/2018)
04/17/2018		Set/Reset Hearings: Initial Conference set for 4/26/2018 at 10:00 AM in Courtroom 11C, 500 Pearl Street, New York, NY 10007 before Magistrate Judge Stewart D. Aaron. (js) (Entered: 04/17/2018)
04/24/2018	<u>16</u>	JOINT LETTER addressed to Magistrate Judge Stewart D. Aaron from Peter Aronoff dated 4/24/2018 re: status update and request to be relieved of obligation to complete proposed scheduling order. Document filed by United States Department of Justice.(Aronoff, Peter) (Entered: 04/24/2018)
04/25/2018	<u>17</u>	MEMO ENDORSEMENT on re: <u>16</u> Letter, filed by United States Department of Justice. ENDORSEMENT: Request Granted. So Ordered. (Signed by Magistrate Judge Stewart D. Aaron on 4/25/2018) (js) (Entered: 04/25/2018)
04/26/2018	<u>18</u>	ANSWER to <u>13</u> Amended Complaint., Document filed by United States Department of Justice.(Aronoff, Peter) (Entered: 04/26/2018)
04/26/2018	<u>19</u>	ORDER: it is hereby ORDERED as follows: 1.On or before May 10, 2018, the Government shall begin a rolling production of documents responsive to Plaintiffs' two FOIA requests for which DOJ previously determined that expedited processing was warranted (requests 17-275 and 17-276). (See Am. Compl. 21.) 2. On May 10, 2018, the Government shall file a letter regarding the status of each of the four FOIA requests, as well as a timeline for completing production of documents responsive to requests 17-275 and 17-276. (Signed by Magistrate Judge Stewart D. Aaron on 4/26/2018) (js) (Entered: 04/26/2018)
05/10/2018	<u>20</u>	LETTER addressed to Magistrate Judge Stewart D. Aaron from Peter Aronoff dated 5/10/2018 re: status report and scheduling proposal. Document filed by United States Department of Justice.(Aronoff, Peter) (Entered: 05/10/2018)
05/11/2018	<u>21</u>	MEMO ENDORSEMENT on re: <u>20</u> Letter filed by United States Department of Justice. ENDORSEMENT: No later than Monday, May 14, 2018, Plaintiffs shall file their response, if any, to Defendant's proposals on pages 1 and 2 of this letter. SO ORDERED. (Signed by Magistrate Judge Stewart D. Aaron on 5/11/2018) (kl) (Main Document 21 replaced on 5/11/2018) (kl). (Entered: 05/11/2018)
05/15/2018	<u>22</u>	MEMO ENDORSEMENT on re: <u>20</u> LETTER addressed to Magistrate Judge Stewart D. Aaron from Peter Aronoff dated 5/10/2018 re: Status report and scheduling proposal. Document filed by United States Department of Justice. ENDORSEMENT: Application GRANTED. The government shall: (1) process the records already located by July 10, 2018; (2) conduct the additional search regarding internal correspondence of the FARA unit by May 24, 2018; (3) conduct a follow-up search of controlled correspondence records by May 18, 2018; and (4) file a status report on June 1, 2018

		regarding these searches, including a proposed timeline for processing potentially responsive records that are returned. SO ORDERED. (Signed by Magistrate Judge Stewart D. Aaron on 5/15/2018) (rjm). (Entered: 05/15/2018)
06/01/2018	<u>23</u>	LETTER addressed to Magistrate Judge Stewart D. Aaron from Peter Aronoff dated 6/1/2018 re: status report. Document filed by United States Department of Justice.(Aronoff, Peter) (Entered: 06/01/2018)
06/04/2018	<u>24</u>	MEMO ENDORSEMENT on re: <u>23</u> Letter filed by United States Department of Justice. ENDORSEMENT: Plaintiffs shall respond no later than Wednesday, June 6, 2018 to the Government's proposal. SO ORDERED. (Signed by Magistrate Judge Stewart D. Aaron on 6/4/2018) (kl) (Main Document 24 replaced on 6/4/2018) (kl). (Entered: 06/04/2018)
06/04/2018	<u>25</u>	LETTER addressed to Magistrate Judge Stewart D. Aaron from David A. Schulz dated June 4, 2018 re: response to status report and request for extension of time. Document filed by The New York Times Company, Kenneth P. Vogel.(Schulz, David) (Entered: 06/04/2018)
06/04/2018	<u>26</u>	ORDER: The parties are directed to appear for a Telephone Conference in this action on Thursday, July 12, 2018 at 10:00 a.m. During the conference, the parties should be prepared to discuss a reasonable, but prompt, schedule for the Government's processing of batch 3 records, as discussed in the Government's June 1, 2018 letter (ECF No. 23) and Plaintiffs' response (ECF No. 25). SO ORDERED. (Telephone Conference set for 7/12/2018 at 10:00 AM before Magistrate Judge Stewart D. Aaron.) (Signed by Magistrate Judge Stewart D. Aaron on 6/4/2018) (anc) (Entered: 06/04/2018)
06/07/2018		NOTICE of Hearing RESCHEDULED: The parties are directed to appear for a Telephone Conference in this action on Thursday, July 12, 2018 at 9:30 a.m. The parties shall call the Court's conference line at 212-805-0110 once all parties are on the line. (Telephone Conference set for 7/12/2018 at 09:30 AM before Magistrate Judge Stewart D. Aaron) (kl) (Entered: 06/07/2018)
07/12/2018		Minute Entry for proceedings held before Magistrate Judge Stewart D. Aaron: Telephone Conference held on 7/12/2018. (kl) (Entered: 07/12/2018)
07/12/2018	<u>27</u>	ORDER: Following a telephone conference with the parties on July 12, 2018, and for the reasons stated on the record, it is hereby ORDERED as follows: 1. On or before August 13, 2018, the Government shall provide Plaintiffs with a draft Vaughn index for batch 1 and batch 2 records, as well as the subset of batch 3 records contained on the CD located in the physical files of the FARA Unit. 2. On or before August 13, 2018, the Government shall begin a rolling production of non-exempt batch 3 records (see 6/1/18 Letter, ECF No. 23), which production shall be completed no later than September 12, 2018. 3. The deadlines set forth in paragraphs 1 and 2 above may be extended for good cause shown. 4. The parties shall appear for a Conference in this action on Wednesday, September 19, 2018 at 10:00 a.m. in Courtroom 11C, United States Courthouse, 500 Pearl Street, New York, NY 10007. (Status Conference set for 9/19/2018 at 10:00 AM in Courtroom 11C, 500 Pearl Street, New York, NY 10007 before Magistrate Judge Stewart D. Aaron.) (Signed by Magistrate Judge Stewart D. Aaron on 7/12/2018) (jwh) (Entered: 07/12/2018)
08/02/2018	<u>28</u>	ORDER ADJOURNING STATUS CONFERENCE: The Status Conference originally scheduled for Wednesday, September 19, 2018 at 10:00 a.m. is hereby adjourned to Thursday, September 20, 2018 at 10:00 a.m. EST in Courtroom 11C. SO ORDERED. (Status Conference set for 9/20/2018 at 10:00 AM in Courtroom 11C, 500 Pearl Street, New York, NY 10007 before Magistrate Judge Stewart D. Aaron.) (Signed by Magistrate Judge Stewart D. Aaron on 8/2/2018) (Text Only Order) (Aaron, Stewart) (Entered: 08/02/2018)
08/10/2018	<u>29</u>	LETTER MOTION for Extension of Time addressed to Magistrate Judge Stewart D. Aaron from Peter Aronoff dated 8/10/2018. Document filed by United States Department of Justice.(Aronoff, Peter) (Entered: 08/10/2018)
08/10/2018	<u>30</u>	ORDER granting <u>29</u> Letter Motion for Extension of Time. Application Granted. So Ordered. (Signed by Magistrate Judge Stewart D. Aaron on 8/10/2018) (js) (Entered: 08/10/2018)

09/11/2018	<u>31</u>	CONSENT LETTER addressed to Magistrate Judge Stewart D. Aaron from Peter Aronoff dated 9/11/2018 re: modification of government's processing obligations on consent; potential summary judgment motions. Document filed by United States Department of Justice.(Aronoff, Peter) (Entered: 09/11/2018)
09/11/2018	<u>32</u>	MEMO ENDORSEMENT on re: <u>31</u> Letter, filed by United States Department of Justice. ENDORSEMENT: Request GRANTED on consent. (Signed by Magistrate Judge Stewart D. Aaron on 9/11/2018) (cf) (Entered: 09/11/2018)
09/19/2018	<u>33</u>	CONSENT LETTER MOTION to Adjourn Conference <i>and proposal for summary judgment briefing schedule and page limits</i> addressed to Magistrate Judge Stewart D. Aaron from Peter Aronoff dated 9/19/2018. Document filed by United States Department of Justice.(Aronoff, Peter) (Entered: 09/19/2018)
09/19/2018	<u>34</u>	ORDER granting <u>33</u> Letter Motion to Adjourn Conference. ENDORSEMENT: Request GRANTED on consent. The proposed briefing schedule is adopted. The conference scheduled for September 20 is adjourned sine die. SO ORDERED. (Signed by Magistrate Judge Stewart D. Aaron on 9/19/2018) (kl) (Entered: 09/19/2018)
09/19/2018		Set/Reset Deadlines: Cross Motions due by 11/16/2018. Motions due by 10/19/2018. Responses due by 11/30/2018 Replies due by 12/14/2018. (kl) (Entered: 09/19/2018)
10/17/2018	<u>35</u>	CONSENT LETTER MOTION for Extension of Time <i>for summary judgment motions</i> addressed to Magistrate Judge Stewart D. Aaron from Peter Aronoff dated 10/17/2018. Document filed by United States Department of Justice.(Aronoff, Peter) (Entered: 10/17/2018)
10/17/2018	<u>36</u>	ORDER granting <u>35</u> Letter Motion for Extension of Time. Application Granted. So Ordered. Brief due by 12/21/2018. Cross Motions due by 12/7/2018. Motions due by 10/31/2018. (Signed by Magistrate Judge Stewart D. Aaron on 10/17/2018) (js) (Entered: 10/17/2018)
10/17/2018		Set/Reset Deadlines: Replies due by 1/11/2019. (js) (Entered: 10/17/2018)
10/30/2018	<u>37</u>	LETTER MOTION for Extension of Time <i>to file opening summary judgment papers</i> addressed to Magistrate Judge Stewart D. Aaron from Peter Aronoff dated 10/30/2018. Document filed by United States Department of Justice.(Aronoff, Peter) (Entered: 10/30/2018)
10/30/2018	<u>38</u>	NOTICE OF APPEARANCE by John Langford on behalf of The New York Times Company, Kenneth P. Vogel. (Langford, John) (Entered: 10/30/2018)
10/30/2018	<u>39</u>	ORDER granting <u>37</u> LETTER MOTION for Extension of Time to file opening summary judgment papers addressed to Magistrate Judge Stewart D. Aaron from Peter Aronoff dated 10/30/2018. Document filed by United States Department of Justice. Application GRANTED. SO ORDERED. (Motions due by 11/9/2018). (Signed by Magistrate Judge Stewart D. Aaron on 10/30/2018) (rjm) (Entered: 10/30/2018)
11/09/2018	<u>40</u>	PROPOSED STIPULATION AND ORDER. Document filed by United States Department of Justice. (Aronoff, Peter) (Entered: 11/09/2018)
11/09/2018	<u>41</u>	MEMO ENDORSEMENT on re: <u>40</u> Proposed Stipulation and Order filed by United States Department of Justice. ENDORSEMENT: SO ORDERED. (Signed by Magistrate Judge Stewart D. Aaron on 11/9/2018) (kl) (Entered: 11/09/2018)
11/09/2018	<u>42</u>	MOTION for Partial Summary Judgment <i>with respect to those records withheld under FOIA exemption 7(A)</i> . Document filed by United States Department of Justice.(Aronoff, Peter) (Entered: 11/09/2018)
11/09/2018	<u>43</u>	DECLARATION of Patrick N. Findlay in Support re: <u>42</u> MOTION for Partial Summary Judgment <i>with respect to those records withheld under FOIA exemption 7(A)</i> .. Document filed by United States Department of Justice. (Attachments: # <u>1</u> Exhibit acknowledgment email, # <u>2</u> Exhibit acknowledgment email, # <u>3</u> Exhibit acknowledgment email, # <u>4</u> Exhibit DOJ email dated 8/30/2017, # <u>5</u> Exhibit release letter dated 5/10/2018, # <u>6</u> Exhibit release letter dated 7/10/2018, # <u>7</u> Exhibit release letter dated 9/12/2018, # <u>8</u> Exhibit Vaughn index)(Aronoff, Peter) (Entered: 11/09/2018)

11/09/2018	<u>44</u>	MEMORANDUM OF LAW in Support re: <u>42</u> MOTION for Partial Summary Judgment <i>with respect to those records withheld under FOIA exemption 7(A)</i> .. Document filed by United States Department of Justice. (Aronoff, Peter) (Entered: 11/09/2018)
11/09/2018	<u>45</u>	NOTICE of of filing of ex parte, in camera submission in support of motion for partial summary judgment re: <u>42</u> MOTION for Partial Summary Judgment <i>with respect to those records withheld under FOIA exemption 7(A)</i> .. Document filed by United States Department of Justice. (Aronoff, Peter) (Entered: 11/09/2018)
11/19/2018	<u>46</u>	SEALED DOCUMENT placed in vault.(mhe) (Entered: 11/19/2018)
12/05/2018	<u>47</u>	LETTER MOTION for Extension of Time <i>for Summary Judgment Briefing</i> addressed to Magistrate Judge Stewart D. Aaron from Counsel for Plaintiffs and Defendant dated December 5, 2018. Document filed by The New York Times Company, Kenneth P. Vogel.(Langford, John) (Entered: 12/05/2018)
12/06/2018	<u>48</u>	ORDER granting <u>47</u> Letter Motion for Extension of Time. Application Granted. So Ordered. Cross Motions due by 12/14/2018. (Signed by Magistrate Judge Stewart D. Aaron on 12/6/2018) (js) (Entered: 12/06/2018)
12/06/2018		Set/Reset Deadlines: Responses due by 1/4/2019 Replies due by 1/25/2019. (js) (Entered: 12/06/2018)
12/14/2018	<u>49</u>	CROSS MOTION for Summary Judgment . Document filed by The New York Times Company, Kenneth P. Vogel.(Langford, John) (Entered: 12/14/2018)
12/14/2018	<u>50</u>	MEMORANDUM OF LAW in Support re: <u>49</u> CROSS MOTION for Summary Judgment . <i>and In Opposition to the Government's Motion for Partial Summary Judgment</i> . Document filed by The New York Times Company, Kenneth P. Vogel. (Langford, John) (Entered: 12/14/2018)
12/14/2018	<u>51</u>	DECLARATION of John Langford in Support re: <u>49</u> CROSS MOTION for Summary Judgment .. Document filed by The New York Times Company, Kenneth P. Vogel. (Attachments: # <u>1</u> Ex. A, # <u>2</u> Ex. B, # <u>3</u> Ex. C, # <u>4</u> Ex. D, # <u>5</u> Ex. E, # <u>6</u> Ex. F, # <u>7</u> Ex. H, # <u>8</u> Ex. I, # <u>9</u> Ex. J, # <u>10</u> Ex. K, # <u>11</u> Ex. L, # <u>12</u> Ex. M, # <u>13</u> Ex. N, # <u>14</u> Ex. O, # <u>15</u> Ex. P, # <u>16</u> Ex. Q, # <u>17</u> Ex. R, # <u>18</u> Ex. S, # <u>19</u> Ex. T, # <u>20</u> Ex. U, # <u>21</u> Ex. V, # <u>22</u> Ex. W)(Langford, John) (Entered: 12/14/2018)
12/14/2018	<u>52</u>	RULE 56.1 STATEMENT. Document filed by The New York Times Company, Kenneth P. Vogel. (Langford, John) (Entered: 12/14/2018)
12/14/2018	<u>53</u>	PROPOSED ORDER. Document filed by The New York Times Company, Kenneth P. Vogel. Related Document Number: <u>49</u> . (Langford, John) Proposed Order to be reviewed by Clerk's Office staff. (Entered: 12/14/2018)
12/17/2018		***NOTICE TO COURT REGARDING PROPOSED ORDER. Document No. <u>53</u> Proposed Order was reviewed and approved as to form. (dt) (Entered: 12/17/2018)
12/17/2018	<u>54</u>	LETTER addressed to Magistrate Judge Stewart D. Aaron from John Langford dated December 17, 2018 re: Exhibit G to the Declaration of John Langford. Document filed by The New York Times Company, Kenneth P. Vogel. (Attachments: # <u>1</u> Exhibit G)(Langford, John) (Entered: 12/17/2018)
12/27/2018	<u>55</u>	STANDING ORDER M10-468: The United States Attorney's Office shall notify the Court immediately upon the restoration of Department of Justice funding. (As further set forth in this Order.) SO ORDERED. (Signed by Judge Colleen McMahon on 12/27/2018) (ama) (Entered: 01/03/2019)
12/27/2018		Case Stayed (ama) (Entered: 01/14/2019)
01/30/2019	<u>56</u>	ORDER: In light of the lifting of the stay in this action, no later than Monday, February 4, 2019, the parties shall submit a proposed schedule for the remaining briefing on the parties' cross-motions for summary judgment. SO ORDERED. (Signed by Magistrate Judge Stewart D. Aaron on 1/30/2019) (kl) (Entered: 01/30/2019)
02/04/2019	<u>57</u>	LETTER addressed to Magistrate Judge Stewart D. Aaron from John Langford and Peter Aronoff dated 2/1/2019 re: Proposed Remaining Briefing Schedule. Document filed by The New York Times Company, Kenneth P. Vogel.(Langford, John) (Entered:

		02/04/2019)
02/04/2019	<u>58</u>	MEMO ENDORSEMENT on re: <u>57</u> Letter filed by The New York Times Company, Kenneth P. Vogel. ENDORSEMENT: Briefing schedule is APPROVED. Oral argument shall be held on Wednesday, April 3, 2019 at 10:00 a.m. in Courtroom 11C, 500 Pearl Street, New York, NY 10007. SO ORDERED. (Responses due by 2/15/2019, Replies due by 3/8/2019., Oral Argument set for 4/3/2019 at 10:00 AM in Courtroom 11C, 500 Pearl Street, New York, NY 10007 before Magistrate Judge Stewart D. Aaron.) (Signed by Magistrate Judge Stewart D. Aaron on 2/4/2019) (kl) (Entered: 02/04/2019)
02/15/2019	<u>59</u>	MEMORANDUM OF LAW in Opposition re: <u>49</u> CROSS MOTION for Summary Judgment . <i>and reply memorandum in support of government's motion.</i> Document filed by United States Department of Justice. (Aronoff, Peter) (Entered: 02/15/2019)
02/15/2019	<u>60</u>	NOTICE of of filing ex parte supplemental declaration re: <u>59</u> Memorandum of Law in Opposition to Motion. Document filed by United States Department of Justice. (Aronoff, Peter) (Entered: 02/15/2019)
03/08/2019	<u>61</u>	REPLY MEMORANDUM OF LAW in Support re: <u>49</u> CROSS MOTION for Summary Judgment . . Document filed by The New York Times Company, Kenneth P. Vogel. (Attachments: # <u>1</u> Exhibit A)(Langford, John) (Entered: 03/08/2019)
03/20/2019	<u>62</u>	FILING ERROR – DEFICIENT DOCKET ENTRY – MOTION for Charles Crain to Appear Pro Hac Vice . Filing fee \$ 200.00, receipt number ANYSDC-16533925. Motion and supporting papers to be reviewed by Clerk's Office staff. Document filed by The New York Times Company, Kenneth P. Vogel. (Attachments: # <u>1</u> Affidavit in support of motion for admission Pro Hac Vice, # <u>2</u> State bar of California certificate of standing, # <u>3</u> Proposed Order)(Crain, Charles) Modified on 3/21/2019 (wb). (Entered: 03/20/2019)
03/21/2019		>>>NOTICE REGARDING DEFICIENT MOTION TO APPEAR PRO HAC VICE. Notice to RE-FILE Document No. <u>62</u> MOTION for Charles Crain to Appear Pro Hac Vice . Filing fee \$ 200.00, receipt number ANYSDC-16533925. Motion and supporting papers to be reviewed by Clerk's Office staff... The filing is deficient for the following reason(s): missing Certificate of Good Standing from Supreme Court of California; Re-file the motion as a Corrected Motion to Appear Pro Hac Vice – attach the correct signed PDF – select the correct named filer/filers – attach valid Certificates of Good Standing issued within the past 30 days – attach Proposed Order.. (wb) (Entered: 03/21/2019)
03/21/2019	<u>63</u>	NOTICE of Request for Authorization for Law Students David Murdter and Greg Conyers to Appear on Behalf of Plaintiffs The New York Times Company and Kenneth Vogel. Document filed by The New York Times Company, Kenneth P. Vogel. (Langford, John) (Entered: 03/21/2019)
03/21/2019	<u>64</u>	MEMO ENDORSEMENT on re: <u>63</u> Notice of Request for Authorization for Law Students David Murdter and Greg Conyers to Appear on Behalf of Plaintiffs The New York Times Company and Kenneth Vogel, filed by The New York Times Company, Kenneth P. Vogel. ENDORSEMENT: SO ORDERED. (Signed by Magistrate Judge Stewart D. Aaron on 3/21/2019) (kl) (Entered: 03/21/2019)
04/02/2019	<u>65</u>	MOTION for Charles Crain to Appear Pro Hac Vice . Motion and supporting papers to be reviewed by Clerk's Office staff. Document filed by The New York Times Company, Kenneth P. Vogel. (Attachments: # <u>1</u> Affidavit in Support of Motion for Admission Pro Hac Vice, # <u>2</u> Certificate of Good Standing from the Clerk of the Supreme Court of California, # <u>3</u> Proposed Order for Admission Pro Hac Vice)(Crain, Charles) (Entered: 04/02/2019)
04/03/2019		>>>NOTICE REGARDING PRO HAC VICE MOTION. Regarding Document No. <u>65</u> MOTION for Charles Crain to Appear Pro Hac Vice . Motion and supporting papers to be reviewed by Clerk's Office staff.. The document has been reviewed and there are no deficiencies. (wb) (Entered: 04/03/2019)
04/03/2019	<u>66</u>	ORDER FOR ADMISSION PRO HAC VICE granting <u>65</u> Motion for Charles Crain to Appear Pro Hac Vice. The motion of Charles Crain for admission to practice Pro Hac Vice in the above captioned action is granted. (Signed by Magistrate Judge Stewart D.

		Aaron on 4/3/2019) (kl) (Entered: 04/03/2019)
04/03/2019		Minute Entry for proceedings held before Magistrate Judge Stewart D. Aaron: Oral Argument held on 4/3/2019. (Court Reporter Andrew Walker) (kl) (Entered: 04/03/2019)
04/03/2019	<u>67</u>	ORDER: The Government shall re-review the documents set forth in Categories 1–3, 4 and 6 of the Vaughn Index (see ECF No. 43–8) in light of relevant developments to date and produce any additional documents, or portions thereof, that it no longer contends are subject to Exemption 7(A). No later than May 3, 2019, the Government shall file a letter with the Court indicating the status of its re-review and, if necessary, proposing a deadline for its completion. No later than May 3, 2019, the Government's counsel shall review with his client(s) the ex–parte declarations submitted to the Court to determine whether any additional information contained in those declarations can be publicly disclosed. The Government then shall file either redacted versions of one or both declarations or a letter to the Court confirming that no additional information shall be released. No later than May 3, 2019, the Government shall produce any documents included in Category 6, as to which Exemption 7(A) does not apply. (See Gov't Mem. L. In Support Mot. Summ. J., ECF No. 44, at 5 n.6.) (Signed by Magistrate Judge Stewart D. Aaron on 4/3/2019) (ne) (Entered: 04/03/2019)
04/15/2019	<u>68</u>	CONSENT TO JURISDICTION BY A US MAGISTRATE JUDGE: IT IS ORDERED: This case is referred to a United States magistrate judge to conduct all proceedings and order the entry of a final judgment in accordance with 28 U.S.C. § 636 (c) and Fed. R. Civ. P. 73. (Case No Longer Referred to Magistrate Judge) CASE ASSIGNED to Magistrate Judge Stewart D. Aaron. (Signed by Judge Lewis A. Kaplan on 4/15/2019) (jca) (Entered: 04/15/2019)
05/02/2019	<u>69</u>	CONSENT LETTER MOTION for Extension of Time <i>to complete activities in Court's April 3 Order</i> addressed to Magistrate Judge Stewart D. Aaron from Peter Aronoff dated 5/2/2019. Document filed by United States Department of Justice.(Aronoff, Peter) (Entered: 05/02/2019)
05/02/2019	<u>70</u>	ORDER granting <u>69</u> Letter Motion for Extension of Time. Request GRANTED. SO ORDERED. (Signed by Magistrate Judge Stewart D. Aaron on 5/2/2019) (kl) (Entered: 05/02/2019)
05/13/2019	<u>71</u>	TRANSCRIPT of Proceedings re: MOTION held on 4/3/2019 before Magistrate Judge Stewart D. Aaron. Court Reporter/Transcriber: Andrew Walker, (212) 805–0300. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 6/3/2019. Redacted Transcript Deadline set for 6/13/2019. Release of Transcript Restriction set for 8/12/2019.(McGuirk, Kelly) (Entered: 05/13/2019)
05/13/2019	<u>72</u>	NOTICE OF FILING OF OFFICIAL TRANSCRIPT Notice is hereby given that an official transcript of a MOTION proceeding held on 4/3/19 has been filed by the court reporter/transcriber in the above–captioned matter. The parties have seven (7) calendar days to file with the court a Notice of Intent to Request Redaction of this transcript. If no such Notice is filed, the transcript may be made remotely electronically available to the public without redaction after 90 calendar days...(McGuirk, Kelly) (Entered: 05/13/2019)
06/03/2019	<u>73</u>	CONSENT LETTER MOTION for Extension of Time <i>and status update</i> addressed to Magistrate Judge Stewart D. Aaron from Peter Aronoff dated 6/03/2019. Document filed by United States Department of Justice.(Aronoff, Peter) (Entered: 06/03/2019)
06/04/2019	<u>74</u>	MEMO ENDORSEMENT on re: <u>73</u> CONSENT LETTER MOTION for Extension of Time <i>and status update</i> addressed to Magistrate Judge Stewart D. Aaron from Peter Aronoff dated 6/03/2019. filed by United States Department of Justice. ENDORSEMENT: Application Granted. So Ordered. (Signed by Magistrate Judge Stewart D. Aaron on 6/4/2019) (js) (Entered: 06/04/2019)
06/10/2019	<u>75</u>	LETTER addressed to Magistrate Judge Stewart D. Aaron from Peter Aronoff dated 6/10/2019 re: providing redacted versions of the previously filed ex parte declarations. Document filed by United States Department of Justice. (Attachments: # <u>1</u> redacted first ex parte declaration, # <u>2</u> redacted second ex parte declaration)(Aronoff, Peter)

		(Entered: 06/10/2019)
06/11/2019	<u>76</u>	MEMO ENDORSEMENT on re: <u>75</u> Letter, filed by United States Department of Justice. ENDORSEMENT: Application GRANTED. The unredacted original declarations shall remain under seal. SO ORDERED. (Signed by Magistrate Judge Stewart D. Aaron on 6/11/2019) (kv) (Entered: 06/11/2019)
07/22/2019	<u>77</u>	OPINION AND ORDER re: <u>49</u> CROSS MOTION for Summary Judgment , filed by The New York Times Company, Kenneth P. Vogel, <u>42</u> MOTION for Partial Summary Judgment <i>with respect to those records withheld under FOIA exemption 7(A)</i> , filed by United States Department of Justice. For the foregoing reasons, the Court finds that the records properly were withheld in full pursuant to Exemption 7(A). Thus, DOJ's motion for partial summary judgment is GRANTED and Plaintiffs cross-motion for partial summary judgment is DENIED. The Clerk of Court is respectfully directed to close the open gavels at ECF Nos. 42 and 49. In view of the Courts disposition of the cross-motions, as well as the parties agreement approved by the Court on November 9, 2018 (see Memo Endorsement, ECF No. 41), the parties shall advise the Court within seven (7) days as to the issues remaining in this case, if any. (Signed by Magistrate Judge Stewart D. Aaron on 7/22/2019) (kl) (Entered: 07/22/2019)